

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOUIS F. FRENCH, JR.,

Defendant.

8:11CR321

ORDER

Defendant Louis F. French, Jr. (French), appeared before the court on November 18, 2016, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 77). French was represented by Assistant Federal Public Defender Kelly M. Steenbock and the United States was represented by Assistant U.S. Attorney Frederick D. Franklin. Through his counsel, French waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find the Petition alleges probable cause and French should be held to answer for a final dispositional hearing before Senior Judge Joseph F. Bataillon.

The government moved for detention. French presented no evidence nor requested a detention hearing. Since it is French's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence he is neither a flight risk nor a danger to the community, the court finds French has failed to carry his burden and French should be detained pending a dispositional hearing before Senior Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Senior Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 10:00 a.m. on December 12, 2016**. Defendant must be present in person.
2. Defendant Louis F. French, Jr., is committed to the custody of the Attorney General or her designated representative for confinement in a correctional facility;
3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 18th day of November, 2016.

BY THE COURT:

s/ Thomas D. Thalken

United States Magistrate Judge